

Timothy M. Bechtold
Bechtold Law Firm, PLLC
P.O. Box 7051
Missoula, Montana 59807
(406) 721-1435
tim@bechtoldlaw.net
Attorney for all Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

CENTER FOR BIOLOGICAL
DIVERSITY, et al.,

Plaintiffs,

v.

LT. GEN SCOTT A. SPELLMON, et
al.,

Defendants,

AMERICAN GAS ASSOCIATION,
et al.,

Defendant-Intervenor,

STATE OF MONTANA,

Defendants-Intervenor.

4:21-cv-00047-BMM

**Plaintiffs' Motion for Summary
Judgment**

Plaintiffs Center for Biological Diversity, Sierra Club, Montana Environmental Information Center, Friends of the Earth, and Waterkeeper Alliance (collectively, “Plaintiffs”) respectfully move for summary judgment against Defendants Lt. Gen. Scott A. Spellmon and the U.S. Army Corps of Engineers (collectively, “Defendants”) on their first, second, and third claims for relief. *See* Compl., ECF No. 1.

As explained in their brief in support of this motion, Plaintiffs challenge the Corps’ reissuance of Nationwide Permit 12—a general Clean Water Act permit that approves oil and gas pipelines—as violating the Endangered Species Act (“ESA”), the National Environmental Policy Act (“NEPA”), the Clean Water Act (“CWA”), and the Administrative Procedure Act.

Plaintiffs respectfully request that the Court grant Plaintiffs’ motion for summary judgment; declare Nationwide Permit 12 in violation of the ESA, NEPA, and CWA; and vacate and remand Nationwide Permit 12 to the Corps for compliance with these statutes.

Consistent with the parties’ joint case management plan, ECF No. 31, the Corps and Defendant-Intervenors will file oppositions to this motion and cross-motions for summary judgment.

Dated: February 4, 2022

Respectfully submitted,

/s/ Timothy M. Bechtold
Timothy M. Bechtold
Bechtold Law Firm, PLLC
P.O. Box 7051
Missoula, MT 59807
(406) 721-1435
tim@bechtoldlaw.net
Attorney for all Plaintiffs

/s/ Jared Margolis
Jared Margolis
Center for Biological Diversity
2852 Willamette St. # 171
Eugene, OR 97405
(802) 310-4054
jmargolis@biologicaldiversity.org

/s/ Eric Glitzenstein
Eric Glitzenstein
Center for Biological Diversity
1411 K Street, NW, Suite 1300
Washington, DC 20005
(202) 849-8401
eglitzstein@biologicaldiversity.org
Attorneys for Center for Biological Diversity, Friends of the Earth, and Waterkeeper

/s/ Doug Hayes
Doug Hayes
Sierra Club Environmental Law Program
1650 38th Street, Suite 102W
Boulder, CO 80301
(303) 449-5595
doug.hayes@sierraclub.org
Attorney for Sierra Club and Montana Environmental Information Center